

CHARGE ASSIGNMENT SHEET (EMPLOYER)

CASE NO.:

CASE NAME: Los Alamitos Medical Center

DATE FILED: 10/22/21

CATEGORY: 1 ☐ 2 ☒ 3 ☐

POTENTIAL 10(j):

Yes ☐ No ☒

8(a)(2)(Indicated name of Union):

#DISCRIMINATEES 8(A)(3): 0

OF EMPLOYEES (if not currently on charge)

IO CHARGE: Yes ☐ No ☐

DISPUTE CITY: Los Alamitos

E-FILE: Yes ☒ No ☐

INQUIRY #: 1-3027337151

DISPUTE STATE: CA

COMMENTS:

BARGAINING STATUS:

- ☐ Existing Contact
- ☐ None
- ☐ Organizational Campaign
- ☐ Seeking Initial Contract
- ☐ Seeking Initial Contract

SUPERVISOR: Worker

AGENT: Kage

8(a)(1)

- ☐ Coercive Actions (Surveillance, etc.)
- ☐ Coercive Rules
- ☐ Coercive Statements (Threats, Promise of Benefits, etc.)
- ☐ Coercive Activities (Retaliation, Discharge, Discipline)
- ☐ Denial of Access
- ☐ Discharge if Supervisor (Parker-Robb Chevrolet)
- ☐ Interrogation (Including Polling)
- ☐ Weingarten

8(a)(2)

- ☐ Assistance
- ☐ Domination
- ☐ Unlawful Recognition

8(a)(3)

- ☐ Changes in Terms and Conditions of Employment
- ☐ Discharge (Including Layoff and Refusal to Hire (Not Salting))
- ☐ Discipline
- ☐ Lockout
- ☐ Refusal to Consider/Hire Applicant(Salting Only)
- ☐ Refusal to Hire Majority
- ☐ Refusal to Reinstate E'ee/Striker(e.g. Laidlaw)
- ☐ Retaliatory Lawsuit
- ☐ Shutdown or Relocate/Subcontract Unit Work
- ☐ Union Security Related Actions

8(a)(4)

- ☐ Changes in Terms and Conditions of Employment
- ☐ Discharge(Including Layoff and Refusal to Hire)
- ☐ Discipline
- ☐ Refusal to Reinstate Employee/Striker
- ☐ Shutdown or Relocate/Subcontract Unit Work

8(a)(5)

- ☐ Alter Ego
- ☐ Failure to Sign Agreement
- ☒ Refusal to Bargain/Bad Faith Bargaining (Including surface bargaining/Direct dealing)
- ☐ Refusal to Furnish Information
- ☐ Refusal to Hire Majority
- ☐ Refusal to Recognize
- ☐ Repudiation/Modification of Contract [See 8(d)/Unilateral Changes]
- ☐ Shutdown or relocate (e.g. First National Maintenance) Subcontract Work

8(e)

- ☐ All Allegations against a Labor Organization
- ☐ All Allegations against an Employer

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case **21-CA-285031**Date Filed **10-22-2021****INSTRUCTIONS:**

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Los Alamitos Medical Center	b. Tel. No. 214.543.4778
	c. Cell No.
	f. Fax No. 469.893.7028q
d. Address (Street, city, state, and ZIP code) 3751 Katella Avenue Los Alamitos, CA 90720	e. Employer Representative (b) (6), (b) (7)(C)
	g. e-Mail (b) (6), (b) (7)(C) @tenethealth.com
	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Health Care Services
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce with the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the six months immediately preceding the filing of this charge, the above-named employer, by and through its officers and/or agents, violated Sections 8(a)(1), 8(a)(5) when it refused to bargain in good faith regarding wage scales.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU United Healthcare Workers - West	
4a. Address (Street and number, city, state, and ZIP code) 560 Thomas L. Berkley Way Oakland, CA 94612	4b. Tel. No. 510.251.1250
	4c. Cell No.
	4d. Fax No. 510.763.2680
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Service Employees International Union	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
Bruce A. Harland, Attorney	
(signature of representative or person making charge)	(Print/type name and title or office, if any)
Address: Weinberg, Roger & Rosenfeld 1375 55 th Street Emeryville, CA 94608	10/22/21 (date)
Tel. No. 510.337.1001	
Office, if any, Cell No.	
Fax No. 510.337.1023	
e-Mail nlrbnotices@unioncounsel.net bharland@unioncounsel.net	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

1\1215927

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA
LINDA BALDWIN JONES
PATRICIA A. DAVIS
ALAN G. CROWLEY
KRISTINA L. HILLMAN
BRUCE A. HARLAND
CONCEPCION E. LOZANO-BATISTA
CAREN P. SENCER
ANNE I. YEN
KRISTINA M. ZINNEN
JANNAH V. MANANSALA
MANUEL A. BOIGUES
KERIANNE R. STEELE
GARY P. PROVENCHER
EZEKIEL D. GARDER
LISL R. SOTO
JOLENE KRAMER
CAITLIN E. GRAY
TIFFANY L. CRAIN
XOCHITL A. LOPEZ

DAVID W.M. FUJIMOTO
ALEXANDER S. NAZAROV
JERRY P.S. CHANG
ANDREA C. MATSUOKA
KATHARINE R. McDONAGH
BENJAMIN J. FUCHS
WILLIAM T. HANLEY
ABEL RODRIGUEZ
COREY T. KNISS
BISMA SHAHBAZ
SEAN W. McDONALD
DANIELA A. ARCHILA
ALAINA L. GILCHRIST
MATTHEW J. ERLE
KARA L. GORDON
P. ANN SURAPRUIK
MAXIMILLIAN D. CASILLAS
CRAIG L. SCHECHTER

OF COUNSEL

ROBERTA D. PERKINS
NINA FENDEL
ROBERT E. SZYKOWNY
ANDREA K. DON
LORI K. AQUINO

• Admitted in Hawaii
• Also admitted in Nevada
▼ Also admitted in Illinois
► Also admitted in New York and
Alaska
• Also admitted in Minnesota
◄ Admitted in Nevada and
Washington
▲ Also admitted in Idaho

October 22, 2021

VIA ELECTRONIC FILING

Regional Director
National Labor Relations Board, Region 21
312 N. Spring Street, 10th Floor
Los Angeles, CA 90012

**Re: SEIU, United Healthcare Workers-West
Los Alamitos Medical Center
(Unfair Labor Practice Charge)**

Dear Regional Director:

Attached is an unfair labor practice charge we are filing on behalf of the above Union. Please process this charge upon receipt. The Board Agent assigned to the case should contact Johnathan Everhart, of the Union, at (323) 236-8610 or jeverhart@seiu-uhw.org for further evidence.

Please keep me informed of all phases of the investigation, give me copies of all evidence submitted by the Charging Party, furnish me with any statements they provide, include me in any settlement discussions, and keep me informed of any agency decisions.

Sincerely,

Bruce A. Harland

BAH (b) (6), (b)
opeiu 29 afl-cio(1)

cc: SEIU, United Healthcare Workers-West

1\1215952

Case Name: Los Alamitos Medical Center
Case No.: 21-CA-285031
Agent: [AGENT NAME AND TITLE]

CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778



Download
NLRB
Mobile App

October 25, 2021

Los Alamitos Medical Center
3751 Katella Avenue
Los Alamitos, CA 90720

Re: Los Alamitos Medical Center
Case 21-CA-285031

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Board Agent MOLLY KAGEL whose telephone number is (213)634-6511. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)634-6525.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. B. Cowen', with a long horizontal flourish extending to the right.

William B. Cowen
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

WBC/js



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlr.gov
Telephone: (213)894-5200
Fax: (213)894-2778



Download
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October 25, 2021

SEIU United Healthcare Workers - West
560 Thomas L Berkley Way
Oakland, CA 94612-1602

Re: Los Alamitos Medical Center
Case 21-CA-285031

Dear Sir or Madam:

The charge that you filed in this case on October 22, 2021 has been docketed as case number 21-CA-285031. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Board Agent MOLLY KAGEL whose telephone number is (213)634-6511. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)634-6525.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W.B. Cowen', with a long horizontal line extending to the right.

William B. Cowen
Regional Director

cc: Bruce Harland, Attorney at Law
Weinberg, Roger & Rosenfeld
1375 55th Street
Emeryville, CA 94608

WBC/js

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Los Alamitos Medical Center
and

CASE 21-CA-285031

<input checked="" type="checkbox"/> REGIONAL DIRECTOR	<input type="checkbox"/> EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	<input type="checkbox"/> GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
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THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Los Alamitos Medical Center


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Paul R. Beshears	
MAILING ADDRESS: FordHarrison LLP, 271 17th Street, NW, Suite 1900, Atlanta, GA 30363	
E-MAIL ADDRESS: pbeshears@fordharrison.com	
OFFICE TELEPHONE NUMBER: (404) 888-3879	
CELL PHONE NUMBER: (404) 313-8253	FAX: (404) 832-8705
SIGNATURE: 	
(Please sign in ink.)	
DATE: October 29, 2021	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

(b) (5)



From: Jonathan Everhart <jeverhart@seiu-uhw.org>
Sent: Monday, November 1, 2021 10:22 AM
To: Kagel, Molly <Molly.Kagel@nlrb.gov>
Subject: FW: Unfair Labor Practices Charges Filed by Bruce Harland

Attached are all of the charges that UHW has filed against Tenet as I stated in our conversation all of the charges are identical. Please let me know if it is possible to do one affidavit for all of the above charges.

Jonathan Everhart

From: Laurie Arnold <LArnold@unioncounsel.net>
Sent: Tuesday, October 26, 2021 3:00 PM
To: Greg Pullman <gpullman@seiu-uhw.org>; Chokri Bensaid <cbensaid@seiu-uhw.org>; Matthew Salcedo <msalcedo@seiu-uhw.org>; Jonathan Everhart <jeverhart@seiu-uhw.org>
Subject: Unfair Labor Practices Charges Filed by Bruce Harland

Attached for your information, please find charges that were filed with the various Regions on Friday, October 22, 2021.

Thank you,

Laurie Arnold, *opeiu 29 afl-cio(1)*

Assistant to Stewart Weinberg, David Rosenfeld, Kristina M. Zinnen and Ezekiel D. Carder

WEINBERG, ROGER & ROSENFELD

1375 55TH Street

Emeryville, CA 94608

Phone: (510) 337-1001

Fax: (510) 337-1023

E-mail: larnold@unioncounsel.net



Please consider the environment before printing this email.

From: [Kagel, Molly](#)
To: ["pbeshears@fordharrison.com"](mailto:pbeshears@fordharrison.com)
Subject: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098
Date: Wednesday, November 17, 2021 1:42:00 PM
Attachments: [Request for Evidence Desert Regional 21-CA-285027, Lakewood Regional -285036, Los Alamitos -285031, JFK Memorial -285098.pdf](#)
[image001.gif](#)
[Commerce Questionnaire Fillable PDF.pdf](#)

Mr. Beshears,

I am the Board Agent investigating the above-captioned cases filed with Region 21. I've attached the Request for Evidence letter for the cases as well as a commerce questionnaire to this email. Please have one filled out for each hospital. I am available by email and phone if you have any questions. I will be out of the office this Friday, November 19, and then I will be out of the office for Thanksgiving weekend.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlrb.gov
www.nrlrb.gov
My pronouns: she/her/hers





**United States Government
NATIONAL LABOR RELATIONS BOARD**

US Court House, Spring Street
312 N Spring Street, Suite 10150
Los Angeles, CA 90012
Telephone: (213) 634-6511
Facsimile: (213) 894-2778
E-mail: molly.kagel@nrlb.gov

Resident Office:
555 W Beech Street - Suite 418
San Diego, CA 92101-2939
Telephone: (619) 557-6184
Facsimile: (619) 557-6358
E-mail: Ressand@nrlb.gov

November 17, 2021

VIA E-MAIL ONLY

Paul R. Beshears, Attorney
FordHarrison LLP
271 17th Street, NW, Suite 1900
Atlanta, GA 30363
pbshears@fordharrison.com

Re: JFK Memorial Hospital
Case 21-CA-285098
Desert Regional Medical Center
Case 21-CA-285027
Los Alamitos Medical Center
Case 21-CA-285031
Lakewood Regional Medical Center
Case 21-CA-285098

Dear Mr. Beshears:

This letter is intended to inform you of the specific allegations contained in the charges in the above-captioned cases filed by Service Employees International Union Local-United Healthcare Workers-West (herein the Union). I am communicating directly with you because you filed a notice of appearance on behalf of JFK Memorial Hospital, Desert Regional Medical Center, Los Alamitos Medical Center, and Lakewood Regional Medical Center (herein collectively referred to as the Hospitals).

The charges allege that the Hospitals violated Section 8(a)(1) and (5) of the National Labor Relations Act (herein the Act) when they refused to bargain in good faith regarding wage scales. According to the Union, the Hospitals are operated by Tenet Healthcare Corporation California (herein Tenet).

Specifically, the Union asserts that, since about March, 2021, and continuing to the present day, the Hospitals, through (b) (6), (b) (7)(C), has refused to bargain over wage scales for existing employees as mandated by the "Side Letter Regarding Wage Scale Market Review" (herein Wage Scale Side Letter) in the parties' collective-

bargaining agreement (herein CBA).¹ The Union argues that the Hospitals' hardline position that the Wage Scale Side Letter only applies to new employees and not to existing employees is contrary to both the Wage Scale Side Letter's purpose and intent to apply to both existing and new employees. On September 23, 2021, the Union initiated the CBA's Dispute Resolution Process to resolve the issue on a National level and on October 19, 2021, the Union filed a class-action grievance.

In order to allow the Region to fully weigh all of the facts involved in this case and to allow all parties an opportunity to present their views and evidence, a response setting forth the Hospitals' position is strongly encouraged. Region 21 seeks to avoid unnecessary litigation whenever possible, which goal can often be achieved when the full facts are available for review.

Accordingly, your full and complete cooperation in this investigation is requested. Full and complete cooperation includes the timely providing of all material witnesses under your control to a Board Agent, so that the witnesses' evidence can be reduced to affidavit form, and providing all relevant documentary evidence requested. The submission of a position letter or memorandum, or the submission of affidavits or declarations not taken by a Board Agent, does not constitute full and complete cooperation.

In connection with the foregoing, I am requesting, by this letter, all supporting evidence, **including but not limited to** the following:

1. I wish to interview **(b) (6), (b) (7)(C)** for the purpose of securing a sworn affidavit. I will, of course, be willing to interview and secure affidavits from any other witnesses that you might want to make available who have knowledge of the allegations raised by the charge in this matter.
2. Please provide copies of the following documentation:
 - a. Copies of all communications, including letters, e-mails, and e-mail attachments, between the Hospitals and the Union regarding the Wage Scale Side Letter and wage scales from March, 2021, to the present.
 - b. A copy of the Dispute Resolution initiated by the Union on September 23, 2021;
 - c. A copy of the class-action grievance filed by the Union on October 19, 2021;
 - d. Copies of notes taken by the Hospitals and Tenet during any phone or Zoom meetings regarding the aforementioned subjects between March 2021, and the present.
 - e. Copies of all bargaining proposals concerning wage scales when bargaining for the current, effective collective-bargaining agreement, from May 1, 2020, to December 31, 2020.
3. A copy of the current, effective collective-bargaining agreement and the current employee handbook covering the bargaining-unit employees.
4. The current status of both the Dispute Resolution initiated by the Union on September 23, 2021, and the class-action grievance filed by the Union on October 19, 2021.

¹ According to page 82 of the CBA, the Wage Scale Side Letter provides that the parties will meet and discuss job classifications that have wage scales below a certain percentage of the market scale.

5. An explanation of the Hospitals' business relationship with Tenet.
6. The Section 2(11) and 2(13) status of (b) (6), (b) (7)(C) and any other witnesses that you wish to present.
7. The Hospitals' complete response to the allegations.
8. All documents that the Hospitals rely on in support of their positions.
9. Please provide case law that the Hospitals rely upon in support of their positions including case law that allows the NLRB to defer to issues regarding the arbitration of the subject grievances described in this letter.

Any and all evidence that the Hospitals presents, be it in the form of sworn affidavits taken by a Board Agent or position statements submitted in lieu of or in addition to sworn confidential witness affidavits, must be received in this office by no later than the close of business on **Wednesday, December 1, 2021**. Any request for an extension of time to submit evidence must be made in writing. Absent timely submission of the foregoing, the Regional Director will make his decision in this matter based upon the evidence contained in the case files as of that date.

In addition, we are also soliciting the Hospitals' position regarding deferral of the charge allegations to the parties' grievance and arbitration procedures, including the Hospitals' willingness to waive time limits on the filing and processing of grievances to arbitration or the expiration of the relevant agreement as bars to deferral. The Region has not yet decided whether deferral is appropriate, so the Hospitals' complete response to the above-described allegations should be made by the date set forth above.

Please be advised that we cannot accept any limitations on the use of any evidence or position statement(s) that are provided to the Agency. Any such limitations **will be disregarded** and any position statement(s) will be considered in the investigation and may be introduced into the record in the event that the above-captioned matter is litigated.

Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted.

Thank you for your anticipated cooperation. Please do not hesitate to contact me at 213-634-6511 or by e-mail at molly.kagel@nlrb.gov should you have any questions concerning these matters and to schedule the presentation of your evidence and witnesses.

Respectfully,
Molly Kagel
Field Attorney

From: [Kagel, Molly](#)
To: [Paul Beshears](#)
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098
Date: Wednesday, November 24, 2021 10:32:00 AM
Attachments: [image003.gif](#)
[image002.jpg](#)
[image004.jpg](#)

Paul,

The Region has approved the extension request until December 8, 2021.

Have a nice Thanksgiving.

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nrlb.gov
www.nrlb.gov
My pronouns: she/her/hers



From: Paul Beshears <pbshears@fordharrison.com>
Sent: Wednesday, November 24, 2021 7:12 AM
To: Kagel, Molly <Molly.Kagel@nrlb.gov>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Molly,

This is to request an extension of time of one week until December 8, 2021, for the Employers to submit a position statement and evidence.

Thank you for your consideration.

Paul

Paul R. Beshears
Attorney at Law

271 17th Street NW, Suite 1900 | Atlanta, Georgia 30363
pbshears@fordharrison.com | P: [404-888-3879](tel:404-888-3879)

Global HR Lawyers

[VCARD](#) + [BIO](#) + [FHPromise](#) + [KnowledgeCenter](#)

From: Kagel, Molly [<mailto:Molly.Kagel@nlrb.gov>]
Sent: Wednesday, November 17, 2021 2:42 PM
To: Paul Beshears <pbshears@fordharrison.com>
Subject: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Mr. Beshears,

I am the Board Agent investigating the above-captioned cases filed with Region 21. I've attached the Request for Evidence letter for the cases as well as a commerce questionnaire to this email. Please have one filled out for each hospital. I am available by email and phone if you have any questions. I will be out of the office this Friday, November 19, and then I will be out of the office for Thanksgiving weekend.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
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From: [Jonathan Everhart](#)
To: [Kagel, Molly](#)
Cc: [Bruce Harland](#)
Subject: Re: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098
Date: Wednesday, December 15, 2021 8:18:32 PM
Attachments: [image001.gif](#)
[image001.gif](#)
[image001.gif](#)
[image001.gif](#)

The dispute resolution process has concluded without the parties reaching any agreement. The grievance has been heard at step 2 and has been advanced to arbitration by the union.

Sent from my iPhone

On Dec 15, 2021, at 4:42 PM, Kagel, Molly <Molly.Kagel@nrlb.gov> wrote:

Bruce and Jonathan,

Please provide me with the status of the Dispute Resolution Process claim initiated on a National level on September 23, 2021, and the status of the grievance filed by the Union on October 19, 2021.

Thanks,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
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Los Angeles, CA 90012
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My pronouns: she/her/hers



From: Bruce Harland <bharland@unioncounsel.net>
Sent: Wednesday, December 15, 2021 12:08 PM
To: Kagel, Molly <Molly.Kagel@nrlb.gov>
Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Thanks.

From: Kagel, Molly [<mailto:Molly.Kagel@nlrb.gov>]
Sent: Wednesday, December 15, 2021 12:06 PM
To: Bruce Harland
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

I received the Employers' position statement on December 10 and will be working on it this week.

From: Bruce Harland <bharland@unioncounsel.net>
Sent: Wednesday, December 15, 2021 12:05 PM
To: Kagel, Molly <Molly.Kagel@nlrb.gov>
Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>
Subject: FW: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Hello Molly,

Any update on these cases?

Bruce

From: Kagel, Molly <Molly.Kagel@nlrb.gov>
Sent: Thursday, October 28, 2021 1:09 PM
To: Jonathan Everhart <jeverhart@seiu-uhw.org>
Cc: Bruce Harland <bharland@unioncounsel.net>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Mr. Everhart,

I will also be investigating JFK Memorial Hospital 21-CA-285098. As I wrote on Monday, please let me know how many witnesses you will be presenting for each case and if the presented witnesses will testify to all of the cases or only one of the cases.

Thanks,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nlrb.gov
www.nlrb.gov
My pronouns: she/her/hers



From: Kagel, Molly
Sent: Monday, October 25, 2021 3:04 PM
To: jeveryhart@seiu-uhw.org
Cc: Bruce Harland <bharland@unioncounsel.net>
Subject: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031

Mr. Everhart,

I am the Board Agent assigned to investigate the above-captioned cases filed by SEIU, United Healthcare Workers-West. Please let me know how many witnesses you will be presenting for each case and if the presented witnesses will testify to all of the cases or only one of the cases. This week, I am only available to take affidavits on Thursday, October 28th after 10:00am. Next week, I have more flexibility but I will know exact dates and times later this week.

Feel free to call me at the number below or email me.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
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Los Angeles, CA 90012
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www.nlr.gov

My pronouns: she/her/hers



Side Letter Regarding
Wage Scale Market Review:

1. For those classifications for which the union has factual documentation that it is at least five percent (5%) below appropriate market rate, there will be a review of the classification using both parties' information.
2. The classifications referred to in this section shall be subject to the following process.
 - a. Within 120 days of the ratification of this agreement the union will provide a list of all job classifications by hospital that meet the criteria in #1 above to the (b) (6), (b) (7)(C) or his/her designee.
 - b. Following receipt of the list in a. above, the parties agree to begin meeting to attempt to resolve the differences regarding wage scale rates by classification that meet the criteria in #1 above. This review obligates utilization of both parties' wage rate market data.
 - c. Following the initial meeting, the parties agree to meet at least two days per month on a mutually agreeable date/time and location (via video conference if necessary during the pandemic).
 - d. The goal will be to complete review of all job classifications meeting the criteria in #1 above within six months from the first meeting. However, the parties may mutually agree to extend this timeline.
3. The Parties will make a good faith effort to review both parties' market comparisons in an effort to resolve a wage scale market rate dispute. The parties recognize that they may need to refine the market comparisons if errors are found based on further comparison of job duties or recognition that a classification was inadvertently missed.
4. Following the expiration of the six-month period specified in #1.d., above, either party may request additional meetings on a schedule mutually agreed to by the parties to discuss any job titles for which no agreement was reached utilizing updated market data.

ARTICLE 13 – COMPENSATION

1. WAGE SCALES

Employees shall continue to be placed on the wage scale based on job classification and completed continuous years of service with the Hospital. Years of completed continuous service shall be calculated based on the employee's most recent date of hire at the hospital.

Subject to the maximum annual wage increases below, during the life of this Agreement, the facility and union hereby express a common interest in moving all SEIU-UHW represented employees' rates towards the appropriate rate for their placement on the Wage Scale.

2. NEW HIRES

Employees may be hired at any rate deemed appropriate, based on the Hospital's evaluation of experience and qualifications. However, the newly hired employee's wage rate must be no less than the minimum rate of the wage scale for their job classification. Thereafter, new hires will receive annual increases as provided in #3-Annual Increases below. Regardless of an employee's wage rate at hire, placement on the wage scale for purposes of Increases in #3.iii shall continue to be based on job classification and completed continuous years of service at the Hospital.

3. ANNUAL HOSPITAL WIDE INCREASE

A. Minimum base hourly rate of pay:

Effective the first full pay period following January 1, 2021, no employee covered by this agreement will be paid less than \$18.20 per hour. Any employee below that rate will receive an increase to their base hourly rate to \$18.20.

Effective the first full pay period following January 1, 2022, no employee covered by this agreement will be paid less than \$19.50 per hour. Any employee below that rate will receive an increase to their base hourly wage rate to \$19.50.

B. All members of the bargaining unit shall receive the following increases:

Effective Dates	Action
<u>Contract Year 1 - 2020</u>	<p>A. Effective the second full pay period following ratification of this Agreement (December 10, 2020):</p> <p style="padding-left: 40px;">i. The wage scales shall increase one percent (1%).</p> <p style="padding-left: 40px;">ii. All full time and part time employees will receive an across-the-board wage increase of three percent (3.00%)</p>

	<p>iii. All per diem employees will receive a 1.50% wage increase to their base hourly rate.</p> <p>iv. Effective the second full pay period following ratification of this agreement, all Employees on the payroll at that time will receive the increase noted in paragraph “ii” above retroactively based on actual hours worked only, for the six consecutive pay periods (i.e. a twelve-week period) ending immediately prior to ratification of this agreement.</p>
Contract Year 2 - 2021	<p>B. Effective the second full pay period following the anniversary of the ratification of this Agreement (December 10, 2021):</p> <p>i. The wage scales shall increase one percent (1%).</p> <p>ii. All full time and part time employees will receive an across-the-board wage increase of three percent (3.00%)</p> <p>iii.. All per diem employees will receive a 1.50% wage increase to their base hourly rate.</p>
Contract Year 3 - 2022	<p>C. Effective the second full pay period following the anniversary of the ratification of this Agreement (December 10, 2022):</p> <p>i. The wage scales shall increase one percent (1%)</p> <p>ii. All full time and part time employees other than those at Emanuel Medical Center and Hi-Desert Medical Center will receive an across-the-board wage increase of three percent (3.00%)</p> <p>iii. This paragraph “iii” applies only at Emanuel Medical Center and Hi-Desert Medical Center. All full time and part time employees will receive an across-the-board wage increase of two and eight-five hundredths percent (2.85%). The Full time and Part time employees who are below their appropriate step on the wage scale as indicated by their years of service, will receive the minimum of two and eighty-five hundredths (2.85%) as noted in paragraph “ii” above, and a maximum of up to three and one quarter percent (3.25%) in order to move toward the appropriate rate on the scale. No employee shall receive more than a 3.25% base hourly rate increase in this contract year.</p> <p>iv. All per diem employees will receive a 1.50% wage increase to their base hourly rate.</p>

4. PAY RATES PRESERVED

Should an employee be placed in a lower paid job classification for a reason other than a reduction in force, bumping or the employee's choice, the employee shall be placed on the wage scale in the appropriate step based on years of service at Tenet. However, the employee shall suffer no reduction in their wage rate.

5. PAYDAY AND PAYCHECK

a) Wages will be paid every two (2) weeks. Paychecks will be distributed on payday. Payday is the Friday after the end of a pay period, except where such Friday is a bank holiday, in which case the check distribution date is Thursday (the pay date remains unchanged).

b) The Facility will continue its current practice regarding the direct deposit of paychecks.

c) Where an error by the Facility results in paycheck underpayment, upon Employee request, such error will be corrected by the close of business on the next business day. However, where the underpayment results from an Employee error, it will be corrected on the next paycheck.

d) The Facility will comply with its obligations under state law regarding paycheck stubs.

6. BONUSES

REFERRAL BONUS

Each facility will continue its current practice of paying all referral bonuses on an as-needed basis. In the event a referral bonus is to be instituted, modified or discontinued, notice will be given to the union.

7. EVENING SHIFT AND NIGHT SHIFT DIFFERENTIAL

The existing facility specific definitions for eligibility for evening and night shift differentials shall be maintained. All other facility-specific provisions shall be retained.

8. BILINGUAL SERVICES

Translating and/or Interpreting services, verbal or written, shall be voluntary for all bargaining unit employees. An employee has the right to refuse to translate or interpret when requested, and there shall be no reprisal for such refusal. An employee who provides such services on a voluntary basis shall be held harmless for any legal or other adverse action arising from an unintentional misrepresentation as a result of translating or interpreting activities.

9. STAND-BY/ON-CALL AND CALL-BACK PAY

The existing facility-specific Stand-by On-Call Pay provisions shall be maintained.

10. NEW CLASSIFICATIONS AND JOB DESCRIPTIONS

a. In the event that the Employer wishes to establish a new job classification in the bargaining unit, the Employer and the Union will meet and negotiate over rate of pay and job duties, prior to the Employer implementing the job. The parties will make a good faith effort to reach a settlement. If the parties are unable to reach agreement, the Employer may implement and the Union, within fifteen days, may submit the dispute to expedited arbitration for final and binding resolution. Any monetary remedy resulting in a higher rate of pay for employees shall be paid retroactively to the start of the job or the start date of each individual employee in the new position.

b. The Employer shall maintain and review job descriptions for all classifications which will be timely remitted to the Union.

c. Upon request to the Human Resources Director, or designee, the Employer shall provide the Union or employee with any existing job description and/or individual position descriptions, for covered employees. These shall be mailed and made available to the requesting party within five (5) calendar days of any such request.

11. JOB CLASSIFICATIONS AND RECLASSIFICATION

The right to determine job content and to make necessary changes to jobs and job descriptions remains with the employer. The employer shall timely notify the union of all meaningful changes to job content and responsibilities. In the event an employee believes his or her job is inaccurately described or that it has changed and, as a result of that change, should be upgraded, the employee may appeal such rating and seek an upgrade by bringing such claim to the attention of his/her supervisor. If a satisfactory resolution is not forthcoming at that level, the matter may be appealed by the union through the grievance procedure and, if necessary, to arbitration. In the event it is determined that a wage increase is in order, the adjustment shall be retroactive to the implementation date of the subject job changes.

12. HOSPITAL TRANSFER PAY RATES

Should an employee transfer from one Tenet hospital to another, the employee will be provided a wage rate appropriate for the job classification as determined by the hospital to which the employee transfers, based on the employee's experience and qualifications.

13. PAYMENT OF WAGE INCREASES

Any and all wage increases provided for in this article will be implemented on the first full pay period following the effective date of the increase, unless otherwise specified in this agreement.

14. MODIFICATION OF PRACTICES

There shall be no individual bargaining with employees over wages, hours, and working conditions. Where the Agreement explicitly allows employee agreement, it shall not be coercive. If requested, by either party, the parties agree to discuss modifications or improvements to terms and conditions of current practices.

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA
LINDA BALDWIN JONES
PATRICIA A. DAVIS
ALAN G. CROWLEY
KRISTINA L. HILLMAN
BRUCE A. HARLAND
CONCEPCION E. LOZANO-BATISTA
CAREN P. SENDER
ANNE I. YEN
KRISTINA M. ZINNEN
JANNAH V. MANANSALA
MANUEL A. BOIGUES
KERIANNE R. STEELE
GARY P. PROVENCHER
EZEKIEL D. GARDNER
LISL R. SOTO
JOLENE KRAMER
CAITLIN E. GRAY
TIFFANY L. CRAIN
XOCHITL A. LOPEZ
DAVID W.M. FUJIMOTO
ANDREA C. MATSUOKA

February 3, 2022

VIA ELECTRONIC FILING

Ms. Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring Street, 10th Floor
Los Angeles, CA 90012

Re: SEIU, United Healthcare Workers-West

ALEXANDER S. NAZAROV
KATHARINE R. McDONAGH
BENJAMIN J. FUCHS
WILLIAM T. HANLEY
ABEL RODRIGUEZ
COREY T. KNISS
BISMA SHAHBAZ
SEAN W. McDONALD
DANIELA A. ARCHILA
MATTHEW J. ERLE
KARA L. GORDON
P. ANN SURAPRUIK
MAXIMILLIAN D. CASILLAS
CRAIG L. SCHECHTER
MICHAELA F. POSNER
ALEXANDER M. MILNE
ZACHARY D. ANGULO
JOSEPH T. ADAMIAK

OF COUNSEL

ROBERTA D. PERKINS
NINA FENDEL
ROBERT E. SZYKOWNY
ANDREA K. DON
LORI K. AQUINO

Admitted in California, unless
otherwise noted
Admitted in Hawaii
Also admitted in Nevada
Also admitted in Illinois
Also admitted in New York and
Alaska
Also admitted in Minnesota
Admitted in Nevada and
Washington
Also admitted in Idaho

Desert Regional Medical Center
NLRB Case No. 21-CA-285027

JFK Memorial Hospital
NLRB Case No. 21-CA-285098

Lakewood Regional Medical Center
NLRB Case No. 21-CA-285036

Los Alamitos Medical Center
NLRB Case No. 21-CA-285031

Twin Cities Medical Center
NLRB Case No. 31-CA-285114

Sierra Vista Medical Center
NLRB Case No. 31-CA-285129

Hi-Desert Medical Center
NLRB Case No. 31-CA-285125

Emanuel Medical Center
NLRB Case No. 32-CA-285546

Doctor's Hospital of Manteca
NLRB Case No. 32-CA-285542

Doctor's Medical Center
NLRB Case No. 32-CA-285534

San Ramon Regional Medical Center
NLRB Case No. 32-CA-285434

Dear Ms. Kagel:

INTRODUCTION

SEIU United Healthcare Workers West ("Union") submits the follow position statement in support of its Unfair Labor Practice ("ULP") charge against Desert Regional Medical Center ("Desert Regional"), Case No. 21-CA-285027, JFK Memorial Hospital ("JFK") Case No. 21-CA-285098, Lakewood Regional Medical Center ("Lakewood") Case No. 21-CA-285036, Los Alamitos Medical Center ("Los Alamitos") Case No. 21-CA-285031, Twin Cities Medical Center ("Twin Cities") Case No. 31-CA-285114, Sierra Vista Medical Center ("Sierra Vista") Case No. 31-CA-285129, Hi-Desert Medical Center ("Hi-Desert") Case No. 31-CA-285125, Emanuel Medical Center ("Emanuel") Case No. 32-CA-285546, Doctor's Hospital of Manteca ("Manteca") Case No. 32-CA-285542, Doctor's Medical Center ("Doctor's Modesto") Case No. 32-CA-285534, and

San Ramon Regional Medical Center (“San Ramon”) Case No. 32-CA-285434; collectively referred to as “Hospitals.”

FACTUAL BACKGROUND

1. Collective Bargaining Relationship

The Union is the exclusive representative of a bargaining unit of employees at each Hospital and one other Tenet Healthcare (“Tenet”) facility in California. The Union is a party to a collective bargaining agreement (“CBA”) that covers all Tenet facilities in the state, and also contains several facility-specific supplemental articles for each facility covered by the CBA. Relevant portions of the CBA are attached hereto as **EXHIBIT 1**(“EX 1”).

In December of 2020, the Union and the Hospitals (collectively, “Parties”) were in the process of negotiating a new state-wide successor CBA. The CBA included a side letter agreement entitled “Wage Scale Market Review.” This side letter covers all Tenet facilities subject to the CBA. The Parties satisfied the requirements of the side letter, and held their first meeting to discuss the specific market data for each individual hospital. At this meeting, the Parties agreed to use the market data supplied by the Tenet to adjust the scales as necessary. The parties reached an agreement as to the wage for each step.

2. The Wage Scale Market Review

The Side Letter Agreement was the result of a very contentious set of challenging contract negotiations. At the time, the Parties were unable to deal with the hundreds (if not thousands) of wage scales, and there was a recognition by both Parties that certain wage scales were well below market and in order to retain and recruit employees, those wage scales needed to be adjusted. This bargaining history is the basis of the Union’s position that any adjustments in wage scales would be applicable to new and current employees in order to further the Parties’ goals of retention and recruitment. Tenet’s assertion that the adjusted wage scales would only apply to new employees is inconsistent with the purpose and intent of the side agreement.

3. Tenet’s Refusal to Bargain in Good Faith

On or about March 12, 2021, the parties met to discuss the Union’s proposal for the wage review process, encompassing JFK, Hi-Desert, and Desert Regional. The Union’s proposal identified the relevant job classifications and made clear that any new wage scale would affect new and current employees. Tenet produced its regional data, and since the three hospitals are all in the same region, the Union agreed to use Tenet’s data for all three hospitals. Once the parties sat down and began to discuss the new wage scales, Tenet revealed that it would only agree to apply the new wage scales to new employees. The Union made clear that this was never expressed in bargaining, and had it been, the union would never have agreed to the side letter if it only applied to new employees.

The ULPs arise from each Hospital’s refusal to implement the agreement with regard to incumbent employees (those hired prior to March 2021) and refusal to place these employees at their appropriate step on the newly agreed-upon wage scales. Instead, the Hospitals only applied the wage scales to new hires. At this point, the Union was engaged with Tenet at the state-wide corporate level. As the parent company of each hospital, a decision made at the corporate level by Tenet will trickle down

and apply to all hospitals subject to the CBA. Accordingly, each and every hospital has engaged in the identical conduct of refusing to implement the March 2021 wage scale to incumbent employees.

On or about August 26, 2021, the Parties engaged in impact bargaining. At this session, Tenet indicated that it may be willing to restart discussions and reinitiate the wage scale market review, and asked the union to submit a request to reinitiate the review. The Union filed this request on or about September 7, 2021. When Tenet finally responded on September 16, 2021, it stated it was unwilling to meet further, but may consider meeting only “after COVID is fully under control and hospitals return to more normal days.” Part of Tenet’s refusal to meet and continue the wage scale review process was that the side letter provides that the Parties have six (6) months in which to complete the wage scale review process, which elapsed on September 12, 2021. It is worth noting that in August and early September, the Union repeatedly informed Tenet of its desire to continue this process and formally requested to do so. The fact that Tenet delayed its response until after September 12th is evidence of both a failure to bargain, and also bad faith by seeking to avoid meeting to confer about the wage scales and finish the process.

Pursuant to the National Agreement between SEIU and Tenet, the Union initiated the Dispute Resolution Process (“DRP”) prior to filing the above ULP’s. The Union requested the following remedies: (1) Tenet implement the agreed-upon increases to the existing wage scales and place all incumbent employees at Hi-Desert, JFK, and Desert Regional on the appropriate steps of the new scales, retroactive to March 13, 2021; (2) Tenet provide its market data for all other SEIU-UHW represented employees in the State of California within ten (10) days; (3) Tenet agree to meet with the Union to review the data for Doctor’s Modesto, San Ramon, Manteca, Emanuel, Sierra Vista, and Twin Cities within thirty (30) days of the Union’s receipt of Tenet’s data; and (4) All agreed-upon adjustments to the wage scales shall be applied to all employees and implemented retroactively to June 1, 2021.

The DRP failed to resolve the issue, so the union filed the instant ULPs with the appropriate Board Regions for each Hospital involved. To date, Tenet has not supplied the requested market rate information. The Union filed a grievance about this conduct, but the matter has not yet been scheduled for arbitration.

LEGAL ARGUMENT

1. Legal Framework

Parties to a collective bargaining relationship are required “to meet at reasonable times and confer in good faith with respect to ... the negotiation of an agreement...” 29 U.S.C. § 158(d). In order to satisfy the statutory obligation to bargain in good faith, the parties must negotiate with the purpose of trying to reach an agreement. *See NLRB v. Montgomery Ward & Co.*, 133 F.2d 676 (9th Cir. 1943).

The failure to negotiate constitutes a per se violation of the duty to bargain in good faith. Unilateral changes by an employer during the course of a collective bargaining relationship concerning matters that are mandatory subjects of bargaining (absent waiver or good faith impasse) is a per se refusal to bargain. *NLRB v. Katz*, 369 U.S. 736 (1962). *See Litton Fin. Printing Div. v. NLRB*, 501 U.S. 190, 198 (1991). As such, an employer’s act of unilaterally altering a condition that is a mandatory subject of bargaining, committed without negotiation and achieved through by passing the union,

supports the inference of a lack of good faith and finding a per se violation. *NLRB v. Katz*, 369 U.S. 736, 738 (1962).

“There can be no question of the general obligation of an employer to provide information that is needed by the bargaining representative for the proper performance of its duties.” *NLRB v. Acme Industrial Co.*, 385 U.S. 432, 435-36 (1967). “Generally, information concerning wages, hours, and other terms and conditions of employment of unit employees is presumptively relevant to the union’s role as exclusive collective-bargaining representative.” *Murray American, Inc.*, 370 NLRB No. 55, at *6 (2020), *Southern California Gas Co.*, 344 NLRB 231, 235 (2005). Tenet contractually agreed to supply the market wage information, which is unquestionably relevant to the current wage rates of employees and necessary for the union to fulfill its role as bargaining representative.

2. Wages Are a Mandatory Subject of Bargaining

The Act imposes an obligation to collectively bargain over “wages, hours, and other terms and conditions of employment.” 29 U.S.C. § 158(d). It is beyond dispute that basic hourly rates of pay are a mandatory subject of bargaining. *Stewart Granite Enters.*, 255 NLRB 569 (1981), *Gray Line*, 209 NLRB 88 (1974) *enforcement granted in part and denied in part*, 512 F.2d 992 (D.C. Cir. 1975). “Some mandatory subjects falling under the headings of ‘wages’ are so obvious that little discussion is required.” JOHN E. HIGGINS, JR., *THE DEVELOPING LABOR LAW* at 16-21 (7th ed. 2017).

The process outlined in the side letter does not deal with wage equivalents or other forms of compensation. Rather, it goes directly to the hourly wages that members of the bargaining unit are paid for the work they perform. The purpose of the wage scale review was to ensure that the wages at Tenet facilities are similar to wages for the job market for particular positions in a certain geographic area.

The Parties agreed over the process for evaluating wages in classifications at hospitals where the wage rate provided for by the CBA was greater than 5% below the market average. The Parties reviewed the data, agreed upon new wages, and created a new scale with various steps for each classification. Then, unilaterally, Tenet decided the new wage scale would only apply to new workers rather than to all workers. This unilateral conduct in and of itself is a ULP. The Hospitals further violated the Act by refusing to bargain over this issue with the Union, despite the Union’s repeated attempts to do so.

3. Tenet’s Position is Inconsistent with the CBA

Tenet’s decision to apply the new wage scale to only new employees is inconsistent with the parties’ continuous past practice and with the language of the side letter itself. First, there is no language in the side letter to indicate that adjusted wages as a result of the wage scale review will only apply to new employees. It discusses wage rates by classification, and absent language to the contrary, the plain meaning of that language suggests that an adjusted rate applies to the entire classification, meaning that current employees would be affected as well.

Article 13 of the CBA addresses compensation, and specifically mentions the wage scales. The portion of Art. 13 relating to wage scales states:

Employees shall continue to be placed on the wage scale based on job classification and completed continuous years of service with the Hospital. Years of completed continuous service shall be calculated based on the employee's most recent date of hire at the hospital. Subject to the maximum annual wage increases below, during the life of this Agreement, the facility and union hereby express a common interest in moving all SEIU-UHW represented employees' rates towards the appropriate rate for their placement on the Wage Scale.

Thus, the plain language of the CBA makes clear that all employees are placed somewhere on the wage scale. It does not state that existing employees are exempt from mid-contract wage scale modifications, or that current employees are only subject to wage scale identified in the CBA. Furthermore, this language does not indicate that current employees are barred from receiving additional adjustments to their wages as a result of the market review. The language simply identifies that as a minimum, these are the increases that all Tenet employees are entitled to.

Article 13 also contains a provision related to new hires:

Employees may be hired at any rate deemed appropriate, based on the Hospital's evaluation of experience and qualifications. However, the newly hired employee's wage rate must be no less than the minimum rate of the wage scale for their job classification. Thereafter, new hires will receive annual increases as provided in #3-Annual Increases below. Regardless of an employee's wage rate at hire, placement on the wage scale for purposes of Increases in #3.iii shall continue to be based on job classification and completed continuous years of service at the Hospital."

Again, there is no language here that indicates that only new employees will receive the adjusted wages as a result of the wage scale market review. Notably, there is no language giving Tenet discretion to decide whether to apply the new or old wage scale to these employees. The language assumes there is only one wage scale, applicable to all employees, whether current or new, and the Hospitals only have discretion to determine where to place new hires on the scale.

Finally, based on the bargaining history of the parties, the Union maintains that it was the mutual intent of the parties that the wage scale review process would impact the wages of all affected employees, not just new or current employees. Tenet maintains its position that it will only apply the changed wage scale to new employees. There is no language in the side letter to support Tenet's position, and the plain meaning of the language that is present supports a broad application of agreed-upon wage scales to all affected employees.

Accordingly, Tenet's conduct is in violation of the CBA. Tenet's unilateral change in the application of the wage scales in violation of the CBA and refusal to engage in bargaining over the mandatory subject of wages constitutes an unfair labor practice.

CONCLUSION

For the above-stated reasons, each Hospital, through the conduct of its parent company Tenet Healthcare Corporation, violated the act by unilaterally dictating how the terms of the CBA would be applied to workers, failing and then refusing to bargain with the Union over a mandatory subject of

bargaining. The Hospitals are legally obligated to negotiate with the Union over wages, including the application of the wage scale.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Michaela Posner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michaela F. Posner

MFP (b) (6)
opeiu 29 afl-cio(1)

Attachments

152690\1242113



**United Healthcare
Workers – West**
Service Employees International Union
CTW, CLC

560 Thomas L. Berkley Wy.
Oakland, CA 94612
510-251-1250 800-585-4250

5480 Ferguson Drive
Los Angeles, CA 90022
323-734-8399 877-734-8399

www.seiu-uhw.org
Quality Healthcare for All

**Collective Bargaining Agreement
with**

**Tenet Healthcare
Corporation California**

**July 1, 2020 through
June 30, 2023**

ARTICLE 13 – COMPENSATION

1. WAGE SCALES

Employees shall continue to be placed on the wage scale based on job classification and completed continuous years of service with the Hospital. Years of completed continuous service shall be calculated based on the employee's most recent date of hire at the hospital.

Subject to the maximum annual wage increases below, during the life of this Agreement, the facility and union hereby express a common interest in moving all SEIU-UHW represented employees' rates towards the appropriate rate for their placement on the Wage Scale.

2. NEW HIRES

Employees may be hired at any rate deemed appropriate, based on the Hospital's evaluation of experience and qualifications. However, the newly hired employee's wage rate must be no less than the minimum rate of the wage scale for their job classification. Thereafter, new hires will receive annual increases as provided in #3-Annual Increases below. Regardless of an employee's wage rate at hire, placement on the wage scale for purposes of Increases in #3.iii shall continue to be based on job classification and completed continuous years of service at the Hospital.

3. ANNUAL HOSPITAL WIDE INCREASE

A. Minimum base hourly rate of pay:

Effective the first full pay period following January 1, 2021, no employee covered by this agreement will be paid less than \$18.20 per hour. Any employee below that rate will receive an increase to their base hourly rate to \$18.20.

Effective the first full pay period following January 1, 2022, no employee covered by this agreement will be paid less than \$19.50 per hour. Any employee below that rate will receive an increase to their base hourly wage rate to \$19.50.

B. All members of the bargaining unit shall receive the following increases:

Effective Dates	Action
<u>Contract Year 1 - 2020</u>	A. Effective the second full pay period following ratification of this Agreement (December 10, 2020): i. The wage scales shall increase one percent (1%). ii. All full time and part time employees will receive an across-the-board wage increase of three percent (3.00%)

	<p>iii. All per diem employees will receive a 1.50% wage increase to their base hourly rate.</p> <p>iv. Effective the second full pay period following ratification of this agreement, all Employees on the payroll at that time will receive the increase noted in paragraph “ii” above retroactively based on actual hours worked only, for the six consecutive pay periods (i.e. a twelve-week period) ending immediately prior to ratification of this agreement.</p>
Contract Year 2 - 2021	<p>B. Effective the second full pay period following the anniversary of the ratification of this Agreement (December 10, 2021):</p> <p>i. The wage scales shall increase one percent (1%).</p> <p>ii. All full time and part time employees will receive an across-the-board wage increase of three percent (3.00%)</p> <p>iii.. All per diem employees will receive a 1.50% wage increase to their base hourly rate.</p>
Contract Year 3 - 2022	<p>C. Effective the second full pay period following the anniversary of the ratification of this Agreement (December 10, 2022):</p> <p>i. The wage scales shall increase one percent (1%)</p> <p>ii. All full time and part time employees other than those at Emanuel Medical Center and Hi-Desert Medical Center will receive an across-the-board wage increase of three percent (3.00%)</p> <p>iii. This paragraph “iii” applies only at Emanuel Medical Center and Hi-Desert Medical Center. All full time and part time employees will receive an across-the-board wage increase of two and eight-five hundredths percent (2.85%). The Full time and Part time employees who are below their appropriate step on the wage scale as indicated by their years of service, will receive the minimum of two and eighty-five hundredths (2.85%) as noted in paragraph “ii” above, and a maximum of up to three and one quarter percent (3.25%) in order to move toward the appropriate rate on the scale. No employee shall receive more than a 3.25% base hourly rate increase in this contract year.</p> <p>iv. All per diem employees will receive a 1.50% wage increase to their base hourly rate.</p>

Side Letter Regarding
Wage Scale Market Review:

1. For those classifications for which the union has factual documentation that it is at least five percent (5%) below appropriate market rate, there will be a review of the classification using both parties' information.
2. The classifications referred to in this section shall be subject to the following process.
 - a. Within 120 days of the ratification of this agreement the union will provide a list of all job classifications by hospital that meet the criteria in #1 above to the Tenet Director-Labor Relations or his/her designee.
 - b. Following receipt of the list in a. above, the parties agree to begin meeting to attempt to resolve the differences regarding wage scale rates by classification that meet the criteria in #1 above. This review obligates utilization of both parties' wage rate market data.
 - c. Following the initial meeting, the parties agree to meet at least two days per month on a mutually agreeable date/time and location (via video conference if necessary during the pandemic).
 - d. The goal will be to complete review of all job classifications meeting the criteria in #1 above within six months from the first meeting. However, the parties may mutually agree to extend this timeline.
3. The Parties will make a good faith effort to review both parties' market comparisons in an effort to resolve a wage scale market rate dispute. The parties recognize that they may need to refine the market comparisons if errors are found based on further comparison of job duties or recognition that a classification was inadvertently missed.
4. Following the expiration of the six-month period specified in #1.d., above, either party may request additional meetings on a schedule mutually agreed to by the parties to discuss any job titles for which no agreement was reached utilizing updated market data.

From: (b) (6), (b) (7)(C)
To: [Cowen, William B.](#); [Cahn, Stephanie](#); [Kagel, Molly](#)
Cc: [Bock, Richard](#); [Dodds, Amy L.](#); [Compton, Kayce R.](#); [Vol, Kira](#); [Shorter, LaDonna](#); [Fowlkes, Kimberly](#)
Subject: Desert Regional Medical Center, et al., 21-CA-285027, et al. (case-closing email)
Date: Friday, June 24, 2022 7:19:41 AM

These cases were submitted for advice as to whether the employers violated Section 8(a)(5) by maintaining the position that the parties' collective-bargaining agreement and side letter concerning wage-scale market review do not require the employers to apply any agreed-upon wage-scale increases to raise incumbent employees' wage rates. As the Region noted, the cases come down to the parties' disagreement over contract interpretation. Although the Board routinely interprets contracts in determining whether an employer has violated Section 8(a)(5), here there is insufficient evidence that the employers unilaterally changed employees' terms and conditions of employment or refused to bargain concerning any mandatory subject. Accordingly, the charges should be dismissed, absent withdrawal. This email closes this matter in Advice as of today.

(b) (6), (b) (7)(C)/Division of Advice
1015 Half Street SE, Washington, DC 20570
(b) (6), (b) (7)(C) [@nrlrb.gov](#)

From: Bruce Harland <bharland@unioncounsel.net>
Sent: Wednesday, June 29, 2022 5:52 PM
To: Kagel, Molly
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to [nlrbirc@nrlb.gov](mailto:nlrbc@nrlb.gov)<<mailto:nlrbc@nrlb.gov>>.

Hello Molly,

The Union will withdraw these charges. Thanks.

Bruce

-----Original Message-----

From: Kagel, Molly <Molly.Kagel@nrlb.gov>
Sent: Wednesday, June 29, 2022 12:10 PM
To: Bruce Harland <bharland@unioncounsel.net>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

Let me know if the Union has made a decision about these cases.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nrlb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Kagel, Molly
Sent: Friday, June 24, 2022 2:48 PM
To: Bruce Harland <bharland@unioncounsel.net>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

I just left you a message on your phone informing you that the Division of Advice has made a determination in these cases. Give me a call when you can to discuss.

Thanks,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nlrb.gov
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlrb.gov%2F&data=05%7C01%7CMolly.Kagel%40nlrb.gov%7Cd39d144a9faa42e46dbe08da5a21ffd5%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637921399330652973%7CUnknown%7CTWFPbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C&servicedata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0>
My pronouns: she/her/hers

-----Original Message-----

From: Bruce Harland <bharland@unioncounsel.net>
Sent: Thursday, March 10, 2022 1:06 PM
To: Kagel, Molly <Molly.Kagel@nlrb.gov>
Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Ok, thanks.
Bruce

-----Original Message-----

From: Kagel, Molly [mailto:Molly.Kagel@nlrb.gov]
Sent: Thursday, March 10, 2022 12:38 PM
To: Bruce Harland
Cc: Jonathan Everhart
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

I haven't heard anything back from Advice. I will check with the Region.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Bruce Harland <bharland@unioncounsel.net>

Sent: Thursday, March 10, 2022 10:29 AM

To: Kagel, Molly <Molly.Kagel@nlrb.gov>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Hello Molly,

Just checking in on these cases.

Bruce

-----Original Message-----

From: Bruce Harland

Sent: Tuesday, February 8, 2022 8:56 AM

To: 'Kagel, Molly'

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

There is no additional evidence to present in non-Region 21 cases.

-----Original Message-----

From: Kagel, Molly [mailto:Molly.Kagel@nlrb.gov]

Sent: Tuesday, February 8, 2022 8:05 AM

To: Bruce Harland

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

I'm following up on my inquiry I sent you below on Friday. Please let me know as soon as possible.

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Kagel, Molly

Sent: Friday, February 4, 2022 4:05 PM

To: 'Bruce Harland' <bharland@unioncounsel.net>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

Thank you for submitting your position statement yesterday. The Region just wants to confirm that the Union has no additional evidence to present in the non-Region 21 cases. Please let me know.

Thank you,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Kagel, Molly

Sent: Tuesday, February 1, 2022 8:48 AM

To: Bruce Harland <bharland@unioncounsel.net>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Bruce,

The Region would like the position statement by noon on Thursday, February 3rd.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Bruce Harland <bharland@unioncounsel.net>

Sent: Tuesday, February 1, 2022 8:41 AM

To: Kagel, Molly <Molly.Kagel@nlrb.gov>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>

Subject: Re: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Yes. Can I have a few more days?

Bruce

On Feb 1, 2022, at 8:32 AM, Kagel, Molly <Molly.Kagel@nlrb.gov> wrote:

Mr. Harland,

Do you intend on submitting a position statement as per the Region's request?

Thank you,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778
molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlrb.gov%2F&data=05%7C01%7CMolly.Kagel%40nlrb.gov%7Cd39d144a9faa42e46dbe08da5a21ffd5%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637921399330652973%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IkhhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0>
My pronouns: she/her/hers
[cid:image001.gif@01D81746.4440DA00]

From: Kagel, Molly
Sent: Monday, January 24, 2022 3:12 PM
To: Bruce Harland <bharland@unioncounsel.net>
Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Mr. Harland,

I called earlier today and left a message with your firm but I was unable to get connected to your office line. Since our last communication below on January 11, 2022, all of the following cases filed by the Union have been transferred to Region 21 with me as the investigating Board Agent (referred to as “the Hospital cases”):

Desert Regional Medical Center 21-CA-285027	Hi-Desert Medical Center 31-CA-285125
JFK Memorial Hospital 21-CA-285098	Emanuel Medical Center 32-CA-285546
Lakewood Regional Medical Center 21-CA-285036	Doctor’s Hospital of Manteca 32-CA-285542
Los Alamitos Medical Center 21-CA-285031	Doctor’s Medical Center 32-CA-285534
Twin Cities Medical Center Case 31-CA-285114	San Ramon Regional Medical Center 32-CA-285434
Sierra Vista Medical Center 31-CA-285129	

The Region intends to submit all these cases to Advice, but prior to doing so, the Region needs additional information from the Union. First, please provide specifically what evidence pertains to EACH charge. In Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; and JFK Memorial Hospital 21-CA-285098, the Union presented affidavits from (b) (6), (b) (7)(C), (b)(7)(D)

Second, addressing your e-mail below on January 11, 2022, outlining the Union’s theory in cases Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-

285031; and JFK Memorial Hospital 21-CA-285098, the Region is requesting that the Union submit a position statement that provides more detail and outlines the facts that support this theory and any case law. In addition, please have the position statement include the same information for the other cases as well.

The Region would like your responses by noon on Monday, January 31, 2022 at the latest. I am available by phone and email for any questions.

Thank you,

Molly Kagel
Field Attorney

National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778

molly.kagel@nrlb.gov<<mailto:molly.kagel@nrlb.gov>>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nrlb.gov%2F&data=05%7C01%7CMolly.Kagel%40nrlb.gov%7Cd39d144a9faa42e46dbe08da5a21ffd5%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637921399330652973%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IkhhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0>

My pronouns: she/her/hers

[cid:image001.gif@01D81746.4440DA00]

From: Bruce Harland <bharland@unioncounsel.net<<mailto:bharland@unioncounsel.net>>>

Sent: Tuesday, January 11, 2022 2:59 PM

To: Kagel, Molly <Molly.Kagel@nrlb.gov<<mailto:Molly.Kagel@nrlb.gov>>>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org<<mailto:jeverhart@seiu-uhw.org>>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

This involves the employer's refusal to meet and discuss the wage scale, making it contingent on applying on to new hires.

From: Kagel, Molly [<mailto:Molly.Kagel@nrlb.gov>]

Sent: Monday, January 10, 2022 10:20 AM

To: Bruce Harland

Cc: Jonathan Everhart

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Bruce,

I understand you returned to the office today. The Region would like an answer to my email below by noon on Wednesday, January 12th.

Thank you,

Molly Kagel
Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<<mailto:molly.kagel@nlrb.gov>>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlrb.gov%2F&data=05%7C01%7CMolly.Kagel%40nlrb.gov%7Cd39d144a9faa42e46dbe08da5a21ffd5%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637921399330652973%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IkhYWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0>

My pronouns: she/her/hers

[cid:image001.gif@01D81746.4440DA00]

From: Kagel, Molly

Sent: Thursday, January 6, 2022 8:28 AM

To: Bruce Harland <bharland@unioncounsel.net<<mailto:bharland@unioncounsel.net>>>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org<<mailto:jeverhart@seiu-uhw.org>>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Bruce,

I just wanted to clarify the Union's theory on these cases. What is the Union's theory of the basis of violations in these cases? Specifically, is it the Employers' refusal to meet to discuss the wage scale or the Employers' interpretation of the wage scale (or something else)? The Region wants to make sure that we have an understanding of the Union's theory as several regions are handling these cases.

Thanks,

Molly Kagel
Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<<mailto:molly.kagel@nlrb.gov>>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlrb.gov%2F&data=05%7C01%7CMolly.Kagel%40nlrb.gov%7Cd39d144a9faa42e46dbe08da5a21ffd5%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637921399330652973%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IkhYWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0>

%7CMolly.Kagel%40nlrb.gov%7Cd39d144a9faa42e46dbe08da5a21ffd5%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637921399330652973%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1hWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0>

My pronouns: she/her/hers

[cid:image001.gif@01D81746.4440DA00]

From: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Sent: Wednesday, December 15, 2021 12:08 PM

To: Kagel, Molly <Molly.Kagel@nlrb.gov<mailto:Molly.Kagel@nlrb.gov>>

Cc: Jonathan Everhart <jevehart@seiu-uhw.org<mailto:jevehart@seiu-uhw.org>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Thanks.

From: Kagel, Molly [mailto:Molly.Kagel@nlrb.gov]

Sent: Wednesday, December 15, 2021 12:06 PM

To: Bruce Harland

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

I received the Employers' position statement on December 10 and will be working on it this week.

From: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Sent: Wednesday, December 15, 2021 12:05 PM

To: Kagel, Molly <Molly.Kagel@nlrb.gov<mailto:Molly.Kagel@nlrb.gov>>

Cc: Jonathan Everhart <jevehart@seiu-uhw.org<mailto:jevehart@seiu-uhw.org>>

Subject: FW: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Hello Molly,

Any update on these cases?

Bruce

From: Kagel, Molly <Molly.Kagel@nlrb.gov<mailto:Molly.Kagel@nlrb.gov>>

Sent: Thursday, October 28, 2021 1:09 PM

To: Jonathan Everhart <jevehart@seiu-uhw.org<mailto:jevehart@seiu-uhw.org>>

Cc: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Mr. Everhart,

I will also be investigating JFK Memorial Hospital 21-CA-285098. As I wrote on Monday, please let me know how many witnesses you will be presenting for each case and if the presented witnesses will testify to all of the cases or only one of the cases.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>

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My pronouns: she/her/hers

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From: Kagel, Molly

Sent: Monday, October 25, 2021 3:04 PM

To: jeverhart@seiu-uhw.org<mailto:jeverhart@seiu-uhw.org>

Cc: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Subject: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031

Mr. Everhart,

I am the Board Agent assigned to investigate the above-captioned cases filed by SEIU, United Healthcare Workers-West. Please let me know how many witnesses you will be presenting for each case and if the presented witnesses will testify to all of the cases or only one of the cases. This week, I am only available to take affidavits on Thursday, October 28th after 10:00am. Next week, I have more flexibility but I will know exact dates and times later this week.

Feel free to call me at the number below or email me.

Thank you,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>

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XVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0<<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlr.gov%2F&data=05%7C01%7CMolly.KageI%40nlrb.gov%7Cd39d144a9faa42e46dbe08da5a21ffd5%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637921399330652973%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IkhYWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=82VsOBPYQhmbVYy5SLixkevKhLhK1KBBTjgE%2Fm9rqQo%3D&reserved=0>>

My pronouns: she/her/hers

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From: Cowen, William B.
Sent: Thursday, June 30, 2022 11:47 AM
To: Cahn, Stephanie
Cc: Carretero, Aide; Estudillo, Mara
Subject: Re: Los Alamitos Medical Center 21-CA-285031-withdrawal request for APPROVAL

I approve the withdrawal of this charge as recommended.

William B. Cowen
Regional Director
Region 21 | National Labor Relations Board
312 North Spring Street, 10th Floor
Los Angeles, CA 90012
213.634.6417 office
202.520.4933 cell
213.894.2778 fax

From: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Sent: Thursday, June 30, 2022 9:26:45 AM
To: Cowen, William B. <William.Cowen@nlrb.gov>
Cc: Carretero, Aide <Aide.Carretero@nlrb.gov>; Estudillo, Mara <Mara.Estudillo@nlrb.gov>
Subject: Los Alamitos Medical Center 21-CA-285031-withdrawal request for APPROVAL

(b) (5)

-----Original Message-----

From: Kagel, Molly <Molly.Kagel@nlrb.gov>
Sent: Thursday, June 30, 2022 9:04 AM
To: Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>
Subject: FW: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Union is withdrawing these charges. Withdrawal request uploaded into Withdrawal action for Desert Regional Medical Center 21-CA-285027. All cases are related.

-----Original Message-----

From: Bruce Harland <bharland@unioncounsel.net>
Sent: Wednesday, June 29, 2022 3:52 PM
To: Kagel, Molly <Molly.Kagel@nlrb.gov>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

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Hello Molly,

The Union will withdraw these charges. Thanks.

Bruce

-----Original Message-----

From: Kagel, Molly <Molly.Kagel@nlrb.gov>

Sent: Wednesday, June 29, 2022 12:10 PM

To: Bruce Harland <bharland@unioncounsel.net>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

Let me know if the Union has made a decision about these cases.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Kagel, Molly

Sent: Friday, June 24, 2022 2:48 PM

To: Bruce Harland <bharland@unioncounsel.net>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

I just left you a message on your phone informing you that the Division of Advice has made a determination in these cases. Give me a call when you can to discuss.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlrb.gov%2F&data=05%7C01%7CWilliam.Cowen%40nlrb.gov%7C6a26202c6b4f45e6024008da5ab552ff%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637922032065771161%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=ITtjLXfPwqyPLx%2BG6bAfsFFTkY9Q7vPKzMQD6nxSLi4%3D&r eserved=0>

My pronouns: she/her/hers

-----Original Message-----

From: Bruce Harland <bharland@unioncounsel.net>

Sent: Thursday, March 10, 2022 1:06 PM

To: Kagel, Molly <Molly.Kagel@nlrb.gov>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Ok, thanks.

Bruce

-----Original Message-----

From: Kagel, Molly [<mailto:Molly.Kagel@nlrb.gov>]

Sent: Thursday, March 10, 2022 12:38 PM

To: Bruce Harland

Cc: Jonathan Everhart

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

I haven't heard anything back from Advice. I will check with the Region.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Bruce Harland <bharland@unioncounsel.net>

Sent: Thursday, March 10, 2022 10:29 AM

To: Kagel, Molly <Molly.Kagel@nlrb.gov>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Hello Molly,

Just checking in on these cases.

Bruce

-----Original Message-----

From: Bruce Harland

Sent: Tuesday, February 8, 2022 8:56 AM

To: 'Kagel, Molly'

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

There is no additional evidence to present in non-Region 21 cases.

-----Original Message-----

From: Kagel, Molly [<mailto:Molly.Kagel@nlrb.gov>]

Sent: Tuesday, February 8, 2022 8:05 AM

To: Bruce Harland

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

I'm following up on my inquiry I sent you below on Friday. Please let me know as soon as possible.

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Kagel, Molly

Sent: Friday, February 4, 2022 4:05 PM

To: 'Bruce Harland' <bharland@unioncounsel.net>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098 et al

Bruce,

Thank you for submitting your position statement yesterday. The Region just wants to confirm that the Union has no additional evidence to present in the non-Region 21 cases. Please let me know.

Thank you,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nrlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Kagel, Molly

Sent: Tuesday, February 1, 2022 8:48 AM

To: Bruce Harland <bharland@unioncounsel.net>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Bruce,

The Region would like the position statement by noon on Thursday, February 3rd.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov

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My pronouns: she/her/hers

-----Original Message-----

From: Bruce Harland <bharland@unioncounsel.net>

Sent: Tuesday, February 1, 2022 8:41 AM

To: Kagel, Molly <Molly.Kagel@nlrb.gov>

Cc: Jonathan Everhart <jevehart@seiu-uhw.org>

Subject: Re: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Yes. Can I have a few more days?

Bruce

On Feb 1, 2022, at 8:32 AM, Kagel, Molly <Molly.Kagel@nlrb.gov> wrote:

Mr. Harland,

Do you intend on submitting a position statement as per the Region's request?

Thank you,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlr.gov%2F&data=05%7C01%7CWilliam.Cowen%40nlrb.gov%7C6a26202c6b4f45e6024008da5ab552ff%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637922032065771161%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=ITtjLXfPwqyPLx%2BG6bAfsFFTKY9Q7vPKzMQD6nxSLi4%3D&reserved=0>
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlr.gov%2F&data=05%7C01%7CWilliam.Cowen%40nlrb.gov%7C6a26202c6b4f45e6024008da5ab552ff%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637922032065927390%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=mSDdQF8WUeyAFruHeSETImlh7zSpPg8IYd6%2FEJC6i30%3D&reserved=0>

My pronouns: she/her/hers

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From: Kagel, Molly
Sent: Monday, January 24, 2022 3:12 PM
To: Bruce Harland <bharland@unioncounsel.net>
Cc: Jonathan Everhart <jeverhart@seiu-uhw.org>
Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Mr. Harland,

I called earlier today and left a message with your firm but I was unable to get connected to your office line. Since our last communication below on January 11, 2022, all of the following cases filed by the Union have been transferred to Region 21 with me as the investigating Board Agent (referred to as "the Hospital cases"):

Desert Regional Medical Center 21-CA-285027	Hi-Desert Medical Center 31-CA-285125
JFK Memorial Hospital 21-CA-285098	Emanuel Medical Center 32-CA-285546
Lakewood Regional Medical Center 21-CA-285036	Doctor's Hospital of Manteca 32-CA-285542
Los Alamitos Medical Center 21-CA-285031	Doctor's Medical Center 32-CA-285534
Twin Cities Medical Center Case 31-CA-285114	San Ramon Regional Medical Center 32-CA-285434
Sierra Vista Medical Center 31-CA-285129	

The Region intends to submit all these cases to Advice, but prior to doing so, the Region needs additional information from the Union. First, please provide specifically what evidence pertains to EACH charge. In Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; and JFK Memorial Hospital 21-CA-285098, the Union presented affidavits from (b) (6), (b) (7)(C), (b)(7)(D)

Second, addressing your e-mail below on January 11, 2022, outlining the Union's theory in cases Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; and JFK Memorial Hospital 21-CA-285098, the Region is requesting that the Union submit a position statement that provides more detail and outlines the facts that support this theory and any case law. In addition, please have the position statement include the same information for the other cases as well.

The Region would like your responses by noon on Monday, January 31, 2022 at the latest. I am available by phone and email for any questions.

Thank you,

Molly Kagel
Field Attorney
National Labor Relations Board, Region 21
312 N. Spring St., Fl. 10
Los Angeles, CA 90012
(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>

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My pronouns: she/her/hers

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From: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Sent: Tuesday, January 11, 2022 2:59 PM

To: Kagel, Molly <Molly.Kagel@nlrb.gov<mailto:Molly.Kagel@nlrb.gov>>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org<mailto:jeverhart@seiu-uhw.org>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

This involves the employer's refusal to meet and discuss the wage scale, making it contingent on applying on to new hires.

From: Kagel, Molly [<mailto:Molly.Kagel@nlrb.gov>]

Sent: Monday, January 10, 2022 10:20 AM

To: Bruce Harland

Cc: Jonathan Everhart

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Bruce,

I understand you returned to the office today. The Region would like an answer to my email below by noon on Wednesday, January 12th.

Thank you,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>

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My pronouns: she/her/hers

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From: Kagel, Molly

Sent: Thursday, January 6, 2022 8:28 AM

To: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Cc: Jonathan Everhart <jevehart@seiu-uhw.org<mailto:jevehart@seiu-uhw.org>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Bruce,

I just wanted to clarify the Union's theory on these cases. What is the Union's theory of the basis of violations in these cases? Specifically, is it the Employers' refusal to meet to discuss the wage scale or the Employers' interpretation of the wage scale (or something else)? The Region wants to make sure that we have an understanding of the Union's theory as several regions are handling these cases.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>

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My pronouns: she/her/hers

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From: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Sent: Wednesday, December 15, 2021 12:08 PM

To: Kagel, Molly <Molly.Kagel@nlrb.gov<mailto:Molly.Kagel@nlrb.gov>>

Cc: Jonathan Everhart <jevehart@seiu-uhw.org<mailto:jevehart@seiu-uhw.org>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Thanks.

From: Kagel, Molly [<mailto:Molly.Kagel@nrlb.gov>]

Sent: Wednesday, December 15, 2021 12:06 PM

To: Bruce Harland

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

I received the Employers' position statement on December 10 and will be working on it this week.

From: Bruce Harland <bharland@unioncounsel.net<<mailto:bharland@unioncounsel.net>>>

Sent: Wednesday, December 15, 2021 12:05 PM

To: Kagel, Molly <Molly.Kagel@nrlb.gov<<mailto:Molly.Kagel@nrlb.gov>>>

Cc: Jonathan Everhart <jeverhart@seiu-uhw.org<<mailto:jeverhart@seiu-uhw.org>>>

Subject: FW: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Hello Molly,

Any update on these cases?

Bruce

From: Kagel, Molly <Molly.Kagel@nrlb.gov<<mailto:Molly.Kagel@nrlb.gov>>>

Sent: Thursday, October 28, 2021 1:09 PM

To: Jonathan Everhart <jeverhart@seiu-uhw.org<<mailto:jeverhart@seiu-uhw.org>>>

Cc: Bruce Harland <bharland@unioncounsel.net<<mailto:bharland@unioncounsel.net>>>

Subject: RE: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031; JFK Memorial Hospital 21-CA-285098

Mr. Everhart,

I will also be investigating JFK Memorial Hospital 21-CA-285098. As I wrote on Monday, please let me know how many witnesses you will be presenting for each case and if the presented witnesses will testify to all of the cases or only one of the cases.

Thanks,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

312 N. Spring St., Fl. 10

Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nrlb.gov<<mailto:molly.kagel@nrlb.gov>>

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<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nlr.gov%2F&data=05%7C01%7CWilliam.Cowen%40nlrb.gov%7C6a26202c6b4f45e6024008da5ab552ff%7C5e453ed8e33843bb90754ed5b8a8caa4%7C0%7C0%7C637922032065927390%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=mSDdQF8WUeyAFruHeSETImlh7zSpPg8IYd6%2FEJC6i30%3D&reserved=0>

My pronouns: she/her/hers

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From: Kagel, Molly

Sent: Monday, October 25, 2021 3:04 PM

To: jeveryhart@seiu-uhw.org<mailto:jeveryhart@seiu-uhw.org>

Cc: Bruce Harland <bharland@unioncounsel.net<mailto:bharland@unioncounsel.net>>

Subject: Desert Regional Medical Center 21-CA-285027; Lakewood Regional Medical Center 21-CA-285036; Los Alamitos Medical Center 21-CA-285031

Mr. Everhart,

I am the Board Agent assigned to investigate the above-captioned cases filed by SEIU, United Healthcare Workers-West. Please let me know how many witnesses you will be presenting for each case and if the presented witnesses will testify to all of the cases or only one of the cases. This week, I am only available to take affidavits on Thursday, October 28th after 10:00am. Next week, I have more flexibility but I will know exact dates and times later this week.

Feel free to call me at the number below or email me.

Thank you,

Molly Kagel

Field Attorney

National Labor Relations Board, Region 21

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Los Angeles, CA 90012

(213)634-6511 | Fax: (213)894-2778

molly.kagel@nlrb.gov<mailto:molly.kagel@nlrb.gov>

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My pronouns: she/her/hers

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778

June 30, 2022

Paul R. Beshears, Attorney at Law
Ford Harrison LLP
Email: pbshears@fordharrison.com

Re: Los Alamitos Medical Center
Case 21-CA-285031

Dear Mr. Beshears:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "William B. Cowen", is located below the "Very truly yours," text.

William B. Cowen
Regional Director

cc: Los Alamitos Medical Center
3751 Katella Ave.
Los Alamitos, CA 90720

Bruce A. Harland, Attorney
Weinberg Roger & Rosenfeld
Email: bharland@unioncounsel.net

SEIU United Healthcare Workers - West
560 Thomas L Berkley Way
Oakland, CA 94612-1602

WBC.hta